The Abſtract

OF

Sir *CHARLES HOLT*'s CASE.

1664. A Mortgage of 700 *l. per Annum*, is made by Sir *Robert Holt* to Mr. *Fountaine*, and alſo a Recognizance of 8000 *l.* is aſſign'd to him for ſecuring 5000 *l.* lent in Mr. *Fountaine*'s Name, in Truſt for Mr. *John Coke*, ſince deceaſed.

Mr. *Fountaine*, who pretended a Gift of this Money, from Mr. *John Coke*, after ten Years Suit with Mr. *Coke*'s Executors, and ſeveral Hearings, is decreed to transfer the Securities to Mr. *Coke*'s Executors; and theſe Executors have been ſince adjudg'd to be Executors in Truſt for *Edward Coke* Eſq; an Infant, who in *Trinity*-Term 1693, obtain'd another Decree againſt Sir *Charles Holt* for this Money, and all Intereſt ſince the Loan of it, and for Non-payment to hold the Mortgag'd Eſtate diſcharg'd of all Equity of Redemption. About 2800 *l.* has been paid for Intereſt, and receiv'd out of the Profits of the Mortgag'd Eſtate: 3000 *l.* more paid into the Court of Exchequer, and 2000 *l.* more paid lately to Mr. *Edward Coke*'s Guardian in Obedience to the laſt Decree.

Mr. *Fountaine*, who has the Eſtate in Law, and the Securities in his Hands, and is the only Perſon capable to reconvey the Eſtate, refuſes to reconvey it, or to deliver up the Securities, and hath ſtood out all Proceſs of Contempt for eleven Years.

Sir *Charles Holt* always has been, and ſtill is deſirous, and ready to pay what remains due, if he may have his Eſtate, and is not capable of raiſing the Money otherwiſe.

It is contrary to all Juſtice and Equity, that Sir *Charles Holt*, who has been forc'd to pay the greateſt part of the Debt, and is ready to pay the Reſidue, ſhould loſe an Eſtate of 700 *l. per Annum*, and have the reſt of his Eſtate ſubject to a Recognizance.

The Cauſe has paſs'd the ordinary Judicature of the Nation, and that cannot diveſt the Eſtate out of Mr. *Fountaine*, nor reſtore it to Sir *Charles Holt*: and unleſs there be ſome Remedy by Act of Parliament, Sir *Charles Holt* muſt loſe his Eſtate, tho he would pay his Debt; which Caſe it is humbly hop'd may deſerve (if any Caſe can) the Relief of an Act.

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